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Borough Green and
Long Mill

Proposal: Outline Application: Demolition of existing dwelling and annexe (The Paddock) and erection of 3 detached houses. Demolition of existing garage (Fairmeadow) and formation of new access drive to Basted Lane

Location: The Paddock and Fairmeadow Basted Lane Crouch
Sevenoaks Kent TN15 8PZ

Applicant: Brookworth Homes Ltd

1. Description:

- 1.1 This outline application seeks permission for the demolition of an existing dwellinghouse and residential annexe at The Paddock and the garage to the side of Fairmeadow. A new access drive is proposed from Basted Lane leading northwards into the main body of the application site (the grounds of The Paddock), which is proposed to accommodate 3 detached houses arranged in a general 'semi-circle' shape around a central turning head. The application seeks outline planning permission with the proposed access arrangements and the siting/layout of the houses to be determined at this (outline) stage. Appearance, scale and landscaping are to be treated as Reserved Matters.
- 1.2 The proposed houses would be detached two storey dwellings each with an attached double garage. The existing access drive to the east of the site would be stopped up in relation to the application site, although it would continue to serve other existing dwellings in the vicinity.
- 1.3 Although a matter for subsequent approval, an indicative elevation and street scene view of the dwellings has been provided at this stage. The outline application is accompanied by a Transport Assessment, Extended Phase 1 Habitat Survey, Arboricultural Assessment and a Drainage Statement.
- 1.4 The application includes an offer of a commuted sum in order to comply with the terms of TMBCS Policy CP17. The application documents detail that it is considered to be inappropriate for affordable housing to be provided on the application site given the nature and form of the scheme and surrounding development. It is also suggested that it may be more appropriate for a commuted sum to be paid where this will enable housing to be provided in locations with better access to services and facilities.
- 1.5 This application follows the previous refusal of a 5 detached dwellings scheme in 2013 (refused under application reference TM/13/03321/OA).

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr. Mike Taylor in light of the planning issues raised by the proposals.

3. The Site:

- 3.1 The application site lies on the northern side of Basted Lane within the centre of the settlement of Crouch. Crouch is a rural settlement located some 1.5km to the south west of Borough Green, the nearest rural service centre, offering a range of retail, community and public transport facilities.
- 3.2 The grounds of The Paddock is presently occupied by a detached chalet bungalow together with a two storey annexe building that is used for ancillary residential accommodation. The dwelling (and annexe) is situated within extensive grounds currently laid to garden. The Paddock is located to the rear (north) of generally linear residential development along Basted Lane. Access to the existing dwelling is obtained via a private driveway which leads from the south eastern corner of the site into Basted Lane between neighbouring dwellings at 'Bowmans' and 'Chimneys'. In addition to The Paddock, this driveway also serves a detached house to the east known as 'Ivers'.
- 3.3 The boundaries of The Paddock are defined by a well-established and dense tree and hedge screen. The majority of the trees are capable of being retained as part the application proposal owing to their general arrangement around the site perimeters.
- 3.4 The application site also includes the property known as 'Fairmeadow', located on the northern side of Basted Lane. This property is a detached chalet bungalow with an attached single storey double garage on its eastern side. The land to the eastern side of Fairmeadow, which is currently occupied by the double garage that would be demolished, is proposed to provide a new access road into the grounds of The Paddock (i.e. the development site for the new houses) behind.
- 3.5 The application site is located within the defined rural settlement confines of Crouch (referred to as being an 'Other Rural Settlement' under TMBCS 2007 Policy CP13). A Public Right of Way (MR304) runs just outside the northern boundary of the grounds of The Paddock, providing a footpath link between Basted Lane and Long Mill Lane.

4. Planning History:

TM/53/10241/OLD Grant with conditions 27 August 1953

Outline Application for Development Layout.

TM/64/10956/OLD Grant with conditions 17 June 1964

Outline application for one dwelling.

TM/67/10831/OLD Grant with conditions 20 March 1967

A bungalow.

TM/03/03024/FL Grant With Conditions 3 November 2003

Construction of garage and workshop with hobbies room at first floor level.

TM/08/00467/FL Refuse 30 June 2008
Appeal dismissed 13 February 2009

Change of use of building from residential annexe to residential dwelling (C3).

TM/13/03321/OA Refuse 24 December 2013

Outline Application: Demolition of existing dwelling and annexe (The Paddock) and erection of 5 detached houses. Demolition of existing garage (Fairmeadow) and formation of new access drive to Basted Lane.

5. Consultees:

5.1 Platt PC: Object to this application for the reasons summarised below:

- Our comments on the previously refused application (TM/13/03321/OA) still apply, namely, the over development of the site, the impact on its rural location, more traffic movements, access and its inability to enhance the area;
- There is no evidence that the scheme meets the housing needs of the area;
- The majority of the application site is undeveloped “backland”, not previously developed land;
- Local services do not exist within the village;
- Previous schemes have been refused, even at appeal [TM/08/00467/FL], for reasons which have not altered;
- The new access road would give rise to harm to amenity and the prevailing level of tranquillity on surrounding residential dwellings and their associated garden areas;

- Whilst we accept that this is an application for outline planning, we would have expected some indication of size, including heights to ridge, if only to limit any approval, if granted. Floor area or number of bedrooms would also be indicative of the amount of additional vehicles accessing the site;
- Hopes that the offer of a commuted sum (to comply with affordable housing requirements) will not be a temptation to the Council; and
- Would stress, as before, our concerns over the access. Regardless of the opinion of the local Highway Authority, whilst the access can comply with all Highway standards, it still adjoins Basted Lane. This is a narrow road without pavements and is well used by traffic, children, etc. It is the main access to Borough Green for shopping, services, station, etc. This lane cannot take any more traffic.

5.2 KCC Highways & Transportation: Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local Highway Authority.

5.3 KCC Public Rights of Way: Notes that Public Rights of Way MR304 footpath runs up the north western boundary of the site and should affect the application as there would be extra usage from pedestrians with the development and it has been mentioned in the application that this footpath links to the wider network. I would therefore like the footpath to have a minimum width of 2 metres.

In a subsequent clarification email from the applicant's agent, it has been stated that whilst the footpath is within the site boundary that the applicant will be purchasing from the current owner of The Paddock, there is no intention to undertake works on/to the public footpath.

5.4 KCC Archaeology: Notes that the site lies within an area of Hythe Beds which are currently considered to have general potential associated with early prehistoric activity. Discovery of palaeolithic flints is recorded to the south and similar remains may survive on the application site. In view of this, recommends that a condition be imposed on any forthcoming consent requiring an archaeological watching brief.

5.5 EA: Has assessed this application as having a low environmental risk and therefore has no comments to make.

5.6 Kent Fire & Rescue Service: Confirms that the means of access is considered satisfactory.

5.7 Private Reps (50/0X/34R/1S) + Site Notice and Press Advert (Article 13 / PROW):
34 letters received, raising the following key points of objection:

- Overdevelopment of the site – the proposed three large dwellings are not in keeping with the current density of the settlement;
- The hamlet of Crouch is small, with no amenities;
- Potential for overlooking of surrounding residential properties;
- General amenity concerns resulting from 3 new dwellings and the proposed new access road (located adjacent to Fairmeadow and Pavenham);
- The development would severely impact on the peaceful rural character of this hamlet currently enjoyed by all of its residents, both human and wildlife;
- Increase number of vehicle trips, delivery vehicles and associated traffic on an already narrow country lane (Basted Lane);
- Basted Lane is popular with walkers, cyclists and horse riders. It has no footways and extra traffic would be hazardous to walkers, cyclists and horse riders;
- Construction amenity impacts and concerns with construction HGVs using Basted Lane;
- Development could impact on wildlife within the site, specifically owls, birds and badgers which are all commonly sighted in Crouch;
- Lack of on-site parking provisions proposed. There is no surrounding overspill car parking capacity in the locality;
- The proposals are purely a money making exercise and are not what this rural settlement needs;
- The proposals are not sustainable in what is a small rural settlement;
- Accepting these proposals would result in a precedent being set for further “backland” development in Crouch;
- The proposed new large houses will be seen from the adjacent Public Right of Way;
- Object to the removal of trees within the site – specifically a Walnut tree near the current entrance to The Paddock. This tree has amenity value to the neighbours and general public; it provides natural screening to the surrounding dwellings, it is of good quality producing fruit annually, and a tree of this

species and health is likely to live for very many more years to come and it forms part of the historical copse effect in and around Crouch. In summary, it is worthy of a Tree Preservation Order; and

- General concerns over existing infrastructure (low water pressure, frequent power cuts, no mains gas supply and the requirement for heating oil deliveries).

5.7.2 One letter of support has also been received, raising the following key points:

- I support this application – there is a shortage of housing stock in the South East of England and on a large plot of land such as this, the new homes will be welcome in our village. They are well set off Basted Lane so no one will ever know they are there.

6. Determining Issues:

- 6.1 In considering applications it is necessary to decide them in accordance with the Development Plan unless other factors indicate otherwise. In this respect the more growth orientated character of NPPF, published in March 2012 as national Government policy, has to be taken into account. Where appropriate the effect of NPPF is reflected in the analysis below.
- 6.2 Policy CP1 of the TMBCS sets out the Council's overarching policy for creating sustainable communities. This policy requires, *inter alia*, that proposals must result in a high quality sustainable environment; the need for development will be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible enhance the quality of the countryside, residential amenity and land, air and water quality; *where practicable*, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability; and development will be concentrated at the highest density compatible with the local built and nature environment mainly on PDL.
- 6.3 Policy CP13 of the TMBCS allows for the redevelopment of a site within the confines of an 'Other Rural Settlement' such as Crouch. Redevelopment will be permitted under this policy if there is some significant improvement to the appearance, character and functioning of the settlement; or justified by an exceptional local need for affordable housing.
- 6.4 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must be well designed, be of suitable scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. Policy SQ1 of the MDEDPD reinforces this requirement that all new development should protect, conserve and, where possible, enhance, (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive

setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

- 6.5 MDE DPD Policy SQ8 states that, inter alia, development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. In this context NPPF has a significant bearing: it is now clear that the nationally applied test in terms of highways impacts is that an impact must be “severe” in order for the Highways and Planning Authorities to justifiably resist development on such grounds – KCC raises no objections on such matters. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document. In this instance, the adopted parking standards are set out in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) and are met.
- 6.6 Paragraph 17 of the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The site of the existing dwellinghouse and residential annexe (The Paddock) is considered to be Previously Developed Land (PDL); however residential garden land is excluded from the definition of PDL within the NPPF. Accordingly, the grounds of The Paddock/Fairmeadow and their immediate curtilage are not considered to be PDL. However this simply means that a “presumption in favour” of redeveloping the PDL elements of the site (as was the case with earlier policy positions adopted by an earlier Government) no longer applies. Current policy does not amount to an embargo on the development of gardens and each case must be judged on its particular merits. The previous outline application, which was refused under delegated powers, was refused for the following key reasons:
- The development site was formed predominantly by residential garden land which is not classified as Previously Developed Land and there was no overriding justification for developing the entire residential curtilage of The Paddock;
 - The proposed layout, access road, arrangement of dwellings and general extent of built development was considered to be harmful to the local area through overdevelopment, a loss in open character and general harm to the character and functioning of the rural settlement;
 - The proposed access road, owing to its intensity of use to serve five new dwellings, together with the proximity to neighbouring dwellings/garden areas, would give rise to harm to amenity and the prevailing level of tranquillity; and

- The proposals failed to provide a suitable Section 106 Legal Agreement to undertake to provide on-site affordable housing, or a commuted sum for affordable off-site provision.
- 6.7 The currently proposed scheme has aimed to overcome the main reasons for refusal set out above by reducing the number of units proposed, increasing the size of gardens/space between dwellings, slightly re-aligning the location of the proposed access road and providing a commitment to a commuted sum in lieu of on-site affordable housing.
- 6.8 The layout of the three units is proposed in a semi-circular arrangement, centred around a main turning head leading from the new access road. The reduction in number of units within the application site, despite the increase in the size of the units, has resulted in greater separation space between adjoining units and surrounding existing dwellings. The orientation of the proposed units would not result in any direct facing elevations with surrounding dwellings since Plots 1 and 3 would be orientated 'end on' towards the rear elevations of the properties along Basted Lane (Kilnfield House, Pavenham, Hurroc and Bowmans). In terms of distances to existing surrounding dwellings, the end elevation of the garage of Plot 1 would be located some 25 metres to the north of the extended rear elevation of Kilnfield House, whilst the end elevation of the garage of Plot 3 would be located some 30m from the rear elevations of Pavenham and Hurroc. The rear elevation of Plot 3 is orientated on an angle to the front elevation of Ivers, which, at its closest point, is some 31 metres to the east. The rear elevation of Plot 2 would be located on an angle from Cob Cottage to the north of the application site, this distance being in excess of 38 metres. In my opinion, such distances, together with existing intervening vegetation and any new landscaping which could be secured in the event of permission being granted, is wholly appropriate to this location and would not give rise to an a loss of privacy or undue amenity impact such as to justify refusal on such grounds.
- 6.9 The general character of this rural settlement, as stated by the Planning Inspector in connection with the previous appeal decision relating to The Paddock (appeal reference: APP/H2265/A/08/2082382), is characterised by generally large dwellings in extensive plots with high quality, low density, appearance stemming from separation of properties and substantial landscaping. Whilst I accept that the proposals represent in an increase in the amount of development within The Paddock site, the general scale, layout and proportions of the units and their gardens are, in my view, consistent with the character found elsewhere throughout this rural village. In my view, the general scale, layout and amount of development proposed does not show the same 'overdeveloped' feel as the previously refused scheme and would not warrant the refusal of outline planning permission in this case.

- 6.10 The proposed means of access to the main development site (i.e. the grounds of The Paddock) would be taken through the grounds of Fairmeadow. A new 4m wide access road would be constructed on the eastern side of Fairmeadow, facilitated by demolishing the existing attached double garage. This garage would be rebuilt on the front western corner of Fairmeadow and is shown in layout as attached to that house. Detail of this should be reserved by condition – it should be noted that the new access arrangements to make this possible do not require the Council's approval.
- 6.11 The proposed access road would run from front to back of the Fairmeadow plot, leading to a central turning head in the grounds of The Paddock, off which the proposed 3 new dwellings (and their associated garages) would be accessed. At the junction of the new service road with Basted Lane, a 2m x 40m visibility splay is proposed in an easterly direction and a 2m x 39m visibility splay in a westerly direction.
- 6.12 The existing means of access to The Paddock (and also Ivers, Bowmans and Tall Chimneys) was considered to be inadequate, of limited width and have sub-standard forward vision at the junction with Basted Lane in 2008 as part of the refusal of planning permission for the change of use of the annexe within The Paddock from a residential annexe to a separate residential dwelling (application reference: TM/08/00467/FL). That decision was subsequently tested at Appeal (appeal reference: APP/H2265/A/08/2082382), with the Inspector dismissing the appeal, inter alia, on grounds of highway safety. However, and significantly for the context of this case, that decision pre-dates the publication of NPPF and the requirement that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*" (para. 32).
- 6.13 The existing access drive to the east of The Paddock would be stopped up in relation to the application site, and therefore would continue to serve other existing dwellings (Ivers, Bowmans and Tall Chimneys). Traffic using this private access road would, therefore, be reduced. The traffic currently generated by The Paddock would be introduced into the new drive described above – which means the *net* increase in traffic movements would be two additional dwellings or around 16 per day or 2 in the each of the evening and morning peaks.
- 6.14 The revised proposal includes a vehicle passing space and the necessary manoeuvring space for delivery vehicles, refuse freighters and fire tender vehicles on site. The access has been aligned away from the boundary with Pavenham to enable the creation of an additional landscape buffer strip alongside the common boundary. This factor, together with an overall reduction in the number of units (from 5 to 3), overcomes my previous concerns and those expressed by the Inspector in the 2008 case, with regard to the intensity of the access road giving rise to harm to amenity and the prevailing level of tranquillity of surrounding properties.

- 6.15 While I note the local concerns raised regarding the surrounding local road network, in light of no technical objections to the scheme from the Highway Authority on either a capacity or safety perspective, advice which is given, of course, in the context of paragraph 32 of NPPF (see above), I am of the view that there are no overriding highway grounds to justify the refusal of planning permission in this instance. In terms of car parking provisions, whilst no specific scale of the dwellings has been given at this outline stage (in terms of actual bedroom numbers), I am of the view that the double garages and ample hardstanding space to the front of each of the three new dwellings will provide sufficient off-street parking space to meet the requirements of KDGIN3 criteria for parking, as adopted by this Council. In accordance with Paragraph 32 of the NPPF and in light of the above considerations, I am satisfied that the residual cumulative transport impacts of the development are not severe and therefore there are no overriding or justifiable grounds to refuse the proposals on transport grounds.
- 6.16 The applicant has indicated a commitment to provide a commuted sum, through a S106 Obligation, towards off-site Affordable Housing to meet with the Council's requirements under TMBCS Policy CP17. Whilst negotiations on the actual contribution are still ongoing, subject to the resolution of an acceptable contribution and the provision of an acceptable S106 Obligation (bearing in mind the requirement of NPPF that developments contributions are unacceptable if they threaten the viability of development schemes) prior to planning permission being granted, I am satisfied that this previous reason for refusal has been overcome.
- 6.17 Whilst landscaping details are not specifically included as part of this outline application, an arboricultural assessment submitted with the application details that a vast number of trees and hedgerow on the perimeters of the application site are capable of being retained as part of the development. Additional landscape planting, together with appropriately considered boundary treatments (including either brick walls and/or timber fences) would be required at a later stage should the scheme be accepted and would overall help to reduce any overlooking or amenity concerns from surrounding residential dwellings.
- 6.18 Nevertheless, concerns have been raised over the removal of a Walnut tree near the current entrance to The Paddock. This tree is located in what would be the rear garden of Plot 3, situated between the rear elevation of this proposed dwelling and the front elevation of Ivers. The walnut tree is understood to have fallen down in the 1987 Storm, however upon inspection by the Council's Landscape Officer, the tree has regenerated well from its trunk and provides a positive amenity value in the locality. Having discussed these concerns further with the applicant, it has been confirmed that the Walnut tree will be retained as part of the scheme. In light of its amenity and screening value, I consider that it is worthy of retention as part of the outline proposals and therefore recommend that a condition is imposed on any forthcoming consent to this effect. Since the application site is not within a Conservation Area, and notwithstanding any planning condition requirement

imposed as part of a planning consent, consideration will need to be given separately as to whether the tree is worthy of protection under a Tree Preservation Order.

- 6.19 The outline proposals have met with objections based on construction related impacts (such as general noise disturbance during demolition and construction operations, and HGV movements to/from the site) on surrounding residential properties. Whilst I recognise the concerns raised in this instance, this impacts would be relatively short-term in its very nature and could not be a reason in itself to refuse planning permission for new buildings on this site in a case such as this. Nevertheless, noise associated from demolition or construction related activities could be controlled, via other legislation, and the applicant should be encouraged to reach a pre-commencement agreement with colleagues in Environmental Health with regard to working hours.
- 6.20 Concerns have been expressed regarding the existing infrastructure of Crouch (low water pressure, frequent power cuts, no mains gas, etc.) and whether it is capable of supporting three new large dwellings. These are technical matters which the applicant would need to overcome with the relevant service providers and do not amount to a reason for resisting planning permission in this case. In terms of the need for service vehicles to visit the new dwellings to deliver heating oil (as a result of no mains gas supply), it should be noted that the new service road has been designed to allow service vehicles to access each of the new dwellings with sufficient turning/manoeuvring space within the application site.
- 6.21 I note that a PROW runs along the northern boundary of the application site. This PROW would not be physically impacted by the development proposals and the existing tree screen which currently exists along the northern boundary of The Paddock would be retained as part of the redevelopment proposals. Whilst I accept that there would be an element of visual change within the application site (i.e. the construction of three new dwellings as opposed to one chalet bungalow and a not insubstantial annexe), the impact of this visual change would not be unacceptable simply because of the view from the PROW.
- 6.22 Ecological concerns have been expressed by a number of local residents who have claimed that badgers are frequently seen within the application site (and wider area of Crouch). The application is accompanied by an Extended Phase 1 Habitat Survey which details that the site was inspected for indications of (amongst other protected species) badgers. The Survey indicates that there were no badger setts found on site, nor any other signs of badgers such as faeces, trails or snuffle holes. The applicant has taken the necessary precautionary and reasonable steps in respect of badgers in this instance. In respect of other ecological matters, I note that the Survey identifies the presence of bats within the application site and that a licence will be required from Natural England (following any successful grant of planning permission) for the demolition of the annexe. I

consider that, subject to the adherence of the recommendations of this Survey, the proposed scheme is acceptable in ecological terms and accords with the general requirements set out in paragraph 118 of the NPPF.

6.23 In light of the above considerations, I consider that the scheme as now proposed has overcome the previous reasons for refusal, resulting in a scheme which would be acceptable in the context of this rural settlement and would respect the site and its surroundings. I therefore recommend that outline planning permission be granted, subject to a S106 Obligation being completed as identified above and subject to conditions.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Transport Statement dated 11.04.2014, Drawing 130313-01 dated 11.04.2014, Site Plan 14021/SK04 dated 11.04.2014, Location Plan 14021/S101 dated 08.04.2014, Proposed Elevations 14021/SK03 dated 08.04.2014, Site Plan 14021/SK05 dated 08.04.2014, Arboricultural Survey dated 08.04.2014, Bat Survey dated 08.04.2014, Design and Access Statement dated 08.04.2014, Energy Statement dated 08.04.2014, Planning Statement dated 08.04.2014, Drainage Statement dated 08.04.2014, Drawing 130313-TK10 A dated 11.04.2014, Drawing 130313-TK11 dated 11.04.2014, Topographical Survey 01 dated 08.04.2014; and

7.2 **Subject to** the provision of an agreed commuted sum under a S106 Obligation to secure the Council's requirements for an appropriate contribution towards affordable housing, in accordance with the Tonbridge and Malling Borough Core Strategy 2007 Policy CP17; and

7.3 **Subject to** the following conditions:

1. Approval of details of the appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. The details submitted in pursuance to condition 1 shall be accompanied by details and samples of materials to be used externally and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

5. The details submitted in pursuance to condition 1 shall be accompanied by a contoured site plan and full details of the slab levels at which the buildings are to be constructed and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to adequately assess the impact of the development on visual and/or residential amenities.

6. The details submitted in pursuance to condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees shown to be retained on 'Figure 2: Development Proposals with Tree Protection Measures' (drawing AR/3076a/ap) and as amplified in the email from John Escott dated 18 June 2014, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected around the Tree Protection Zones shown on 'Figure 2: Development Proposals with Tree Protection Measures' (drawing AR/3076a/ap) and as amplified in the email from John Escott dated 18 June 2014, or as otherwise agreed in writing by the Local Planning Authority.

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

8. The existing trees and shrubs shown on 'Figure 2: Development Proposals with Tree Protection Measures' (drawing AR/3076a/ap) and as amplified in the email from John Escott dated 18 June 2014, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

9. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans. The vehicular access service road shall be retained in accordance with the approved plans thereafter.

Reason: To ensure the safe and free flow of traffic.

10. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to deal with surface water drainage.

11. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the storage and screening of refuse. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

12. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the boundary treatments of each of the new dwellings. The approved boundary treatments shall be implemented before the development is occupied and shall be retained thereafter.

Reason: To retain and enhance the character of the locality.

13. The details submitted in pursuance to condition 1 shall be accompanied by a scheme of external lighting to serve the development. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

14. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the disposal of foul and surface water drainage. Thereafter, the approved scheme shall be implemented before the development is occupied and shall be retained thereafter.

Reason: In the interests of pollution prevention.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to regulate and control further development on this site.

16. The first set of details submitted in respect of the appearance of the development pursuant to Condition 1 shall include details of the garage to be built at Fairmeadow. No deviation from the approved garage design shall take place without the written approval of the Local Planning Authority. The creation of the access road hereby approved shall not take place until the replacement access point, parking and turning to the front of Fairmeadow has been provided.

Reason: to prevent unacceptable parking on the highway and to ensure an appropriate design of garage.

Informatives

1. Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

2. During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to the following times; Monday to Friday 08:00 hours - 18:00 hours; Saturday 08:00 hours - 13:00 hours; and no work on Sundays, Bank or Public Holidays. The applicant is advised to seek an early discussion with the Environmental Protection Team – environmental.protection@tmhc.gov.uk
3. The applicant is advised that Public Right of Way MR304 footpath runs along the north western boundary of the site. The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a Public Right of Way without the express consent of the Highway Authority (Kent County Council). This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.
4. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmhc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Julian Moat